

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>TYRONE P. JAMES,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:CV-01-1015</b>
<b>v.</b>	:	
	:	<b>(Judge Kane)</b>
<b>YORK COUNTY POLICE</b>	:	<b>(Magistrate Judge Mannion)</b>
<b>DEPARTMENT; AGENT JAMES H.</b>	:	
<b>MORGAN; DET. RICHARD</b>	:	<b>Electronically Filed</b>
<b>PEDDICORD; DET. RAYMOND E.</b>	:	
<b>CRAUL; SGT. GENE FELS; DET.</b>	:	
<b>ANTHONY GLOWCZEWSKI; AGENT</b>	:	
<b>RANDY SIPES; and AGENT BRIAN</b>	:	
<b>WESTMORELAND,</b>	:	
<b>Defendants</b>	:	

**COMMONWEALTH DEFENDANTS' MOTION FOR ENLARGEMENT  
OF TIME TO FILE REPLY BRIEF**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, defendants Ray Craul, Jim Morgan, Brian Westmoreland, Tony Glowczeski, Robert Kessler, Richard Peddicord and Gene Fells (hereinafter Commonwealth defendants), through their counsel, move the Court for an enlargement of time in which to file a

reply brief in support of their motion for summary judgment. In support thereof, defendants state the following:.

1. Commonwealth defendants ~~w~~filed a motion for summary judgment in their favor in this civil rights action filed by *pro se* plaintiff, Tyrone James.
2. Commonwealth defendants filed a statement of material facts, a brief in support of their motion, and an appendix of exhibits.
3. Pursuant to an order of the Court dated May 4, 2004, Commonwealth defendants filed a supplement to their brief in support of their motion for summary judgment on June 30, 2004.
4. Counsel for Commonwealth defendants was assigned this case on July 1, 2004, and is in the process of reviewing the file, which contains over one-hundred and fifty pleadings and numerous discovery documents.
5. After receiving an extension of time, plaintiff filed a brief in opposition to defendants' summary judgment motion, a statement of facts, and an appendix on July 15, 2004.
6. Commonwealth defendants' reply brief is due August 2, 2004.
7. Due to litigation schedule of Commonwealth defendants' counsel, their reply brief cannot be filed by its due date.
8. Commonwealth defendants respectfully request an enlargement of time of thirty days in which to review this case file and file their reply brief.

9. Commonwealth defendants respectfully request permission to file their reply brief on or before September 1, 2004.

10. Granting this motion will not unreasonably delay this matter, which is currently at the end of briefing in the summary judgment stage.

WHEREFORE, Commonwealth defendants respectfully request an enlargement of time of thirty days in which to file their reply brief in support of their motion for summary judgment.

Respectfully submitted,

GERALD J. PAPPERT  
Attorney General

By: **s/Amanda L. Smith**  
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Date: July 19, 2004

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<b>RANDY SIPES; and AGENT BRIAN</b>	:	
<b>WESTMORELAND,</b>	:	
<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I, Amanda L. Smith, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on July 19, 2004, I caused to be served a true and correct copy of the foregoing document by depositing same in the United States Mail, first-class postage prepaid to the following:

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**s/Amanda L. Smith**  
**AMANDA L. SMITH**  
**Deputy Attorney General**